



AP. 1647
#103
8/19/02

Attorney Docket No. 463077-00009/A-68990-3/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

DAHIYAT *et al.*

Serial No.: 09/981,289

Filed: 10/15/2001

For: *DESIGN AND DISCOVERY
OF PROTEIN BASED TNF- α
VARIANTS FOR THE
TREATMENT OF TNF- α
RELATED DISORDERS*

Group No. 1647

Examiner: SEHARASEYON,
JEGATHEESAN

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, USPTO, BOX SEQUENCE, P.O. Box 2327, Arlington, VA 22202

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August 8, 2002
Mary McFarland
Mary McFarland

AMENDMENT AND RESPONSE TO RESTRICTION

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Commissioner for Patents
U.S. Patent and Trademark Office
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Arlington, VA 22202

Sir:

This is in response to the Restriction Requirement dated July 9, 2002. The response is filed on or before the due date of August 9, 2002, making this a timely response. Although Applicants do not believe any additional fees are required, the Assistant Commissioner is authorized to charge any fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 463077-00009/A-68990-3/RFT/RMS/RMK.

In response to the Restriction Requirement, Applicants elect for further prosecution the claims of Group I, namely claims 1-3 and 9, drawn to a TNF- α protein. *This election is made without traverse.*

Applicants are required to elect a single disclosed species of non-naturally occurring TNF- α protein as cited in claim 3 for prosecution on the merits. In response to this

requirement, Applicants elect the species represented by variant Y115T (see Fig. 8). This election is represented by newly added claim 13:

B1 13. (New) The non-naturally occurring TNF- α protein according to claim 3, wherein said protein comprises the substitution Y115T (SEQ ID NO:20).

This election is made without traverse with the understanding that should allowable subject matter be found, applicant is entitled to consideration of a generic claim encompassing additional species, such as those disclosed in claims 1-3 and 14-16.

Claims 1-3 and newly added claims 14-16 read on the species elected.

AMENDMENTS

Please amend the application as follows:

In the specification:

Please replace the paragraph beginning at page 3, line 24, with the following rewritten paragraph:

B2 -- Figure 7 depicts the position and the amino acid changes in the TNF- α mutants (SEQ ID NOS:9-30). --

- Paragraph beginning at page 28, line 24, has been amended as follows:

B3 -- Preferred amino acids for each position, including the human TNF- α residues, are shown in Figure 7 (SEQ ID NOS:9-30). Thus, for example, at position 143, preferred amino acids are Glu, Asn, Gln, Ser, Arg, and Lys; etc. --

On page 61, immediately preceding the heading "CLAIMS," please delete the previously filed Sequence Listing in its entirety and insert there for the enclosed 23-page text entitled "SEQUENCE LISTING".

In the claims:

Please cancel claims 4-12 without prejudice or disclaimer as drawn to non-elected inventions.

Please amend the following claim: